



FW 3783

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

WHITTAKER et al

Serial No.: 10/713,545

Filed: November 13, 2003

Art Unit: 3783

Examiner: Jong Suk Lee

Atty. Docket No.: 02-626-US

**PIPELINE REHABILITATION
SYSTEMS**

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement mailed August 25, 2004, **Applicants provisionally elect Species A (Figs. 2A-2B) with traverse.** The shortened statutory period for reply was set to expire on September 25, 2004. Accordingly, a petition for a three month extension through December 25, 2004 is filed herewith.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being

MAILED

☒ deposited with the United States Postal Service on December 23, 2004 with sufficient postage as first-class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Kimberly L. Haney

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Claims 1-22 are currently pending in the present application. The Examiner asserts that the present application contains claims directed to the following patentably distinct species of the claimed invention:

Species A: Figs. 2A-2B;

Species B: Figs. 9A-9B; and

Species C: Figs. 11A-11B.

The Examiner further asserts that no claim is generic to the disclosed invention. To promote prosecution of the present application, Applicants provisionally elect Species A (Figs. 2A-2B) with traverse. It is respectfully submitted that Species A reads upon pending Claims 1-22.

Nevertheless, Applicants strongly disagree with the characterization by the Examiner that there is no claim generic to Species A, B, and C. The Examiner's attention is drawn to pending Claim 9, which reads as follows:

9. A lateral device, comprising:

a lateral device housing;

an anchor device to secure said housing to an inner wall of a first pipe which intersects with a second pipe; and

a work tool.

Claim 9 clearly is generic to all lateral devices that satisfy the limitations stated therein including those displayed

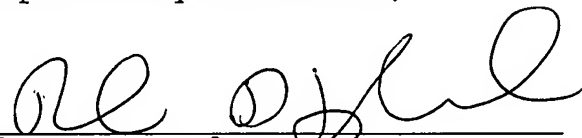
in Figures 2A-2B, 9A-9B, and 11A-11B. Accordingly, the Examiner's assertion is erroneous and reconsideration of the present restriction requirement is respectfully requested.

The present invention includes a variety of different lateral devices that include a variety of different work tools. The lateral devices of the present invention perform some type of work within a lateral connected to a main pipe. Each and every claim of the present invention is directed to various aspects of these lateral devices, and all the claims therefore, are directed to a single patentable invention, of which Claim 9, for example, is generic.

Applicants' provisional election and accompanying remarks fully address each issue raised by the Examiner in the present Office Action. If the Examiner believes that additional issues need to be resolved before this application can be passed to issue, the undersigned invites the Examiner to contact him at the telephone number provided below.

Respectfully submitted,

Dated: December 23, 2004


Robert D. Kucler, Esq.
Reg. No. 45,908

REED SMITH LLP
P.O. Box 488
Pittsburgh, PA 15230
(412) 288-4598

Attorney for Applicants